

## CHAPTER CXLV.

[H. B. No. 170.]

## AGRICULTURAL COLLEGE AND EXPERIMENTAL STATION.

AN ACT to provide for the location and maintenance of the agricultural college, experiment station and school of science of the State of Washington, and declaring an emergency.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. There is hereby established an institution of learning to be known as the agricultural college, experiment station and school of science of the State of Washington. Said institution to be located as hereinafter provided, on a tract of land containing not less than one hundred and sixty (160) acres.

SEC. 2. The agricultural college, experiment station and school of science created and established by this act shall be an institution of learning open to the children of all residents of this state, and to such other persons as the board of regents may determine, under such rules of regulation and terms as may be prescribed by said board of regents; shall be non-sectarian in character, and devoted to practical instruction in agriculture, mechanic arts, natural sciences connected therewith, as well as a thorough course of instruction in all branches of learning upon agriculture and other industrial pursuits.

Non-sectarian.

Course of study.

SEC. 3. The course of instruction of the agricultural college, experiment station and school of science shall embrace the English language, literature, mathematics, philosophy, civil and mechanical engineering, chemistry, animal and vegetable anatomy and physiology, the veterinary art, entomology, geology, and political, rural and household economy, horticulture, moral philosophy, history, mechanics and such other sciences and courses of instruction as shall be prescribed by the regents of this institution of learning. The management of said college and experiment station, the care and preservation of all property of which such institution shall become possessed, the erection and construction of all buildings necessary for the use of said college and station, and the disbursement and expenditure of all moneys provided for by this act shall be vested in a board

of five regents. Said five members of the board of regents shall be appointed in the manner now provided by law. Said regents and their successors in office shall constitute \* [a body corporate, with name and style of "The board of regents of the agricultural college of Washington," with the right as such of suing and being sued, of contracting and being contracted with, of making and using a common seal and altering the same at will], of causing all things to be done necessary to carrying out the provisions of this act.

SEC. 4. The board of regents provided for in this act shall be appointed by the governor, by and with the consent of the senate, one for a term of two years, two for a term of four years, and two for a term of six years; and each regent shall, before entering upon the discharge of their respective duties as such, execute a good and sufficient bond to the State of Washington, with two or more sufficient sureties, residents of the state, in the penal sum of not less than fifty thousand dollars (\$50,000) each, conditioned for the faithful performance of their duties as such regents: *Provided*, That all appointments made to fill vacancies caused by death, resignation or otherwise, shall be for the unexpired term of the incumbent whose place shall have become vacant. All other appointments made subsequent to the appointment of the first board of regents provided for in this act, shall be for the term of six years and until the appointment and qualification of a successor to each appointee.

Regents; how appointed.

Vacancies.

SEC. 5. That a commission of three be appointed by the governor, with the advice and consent of the senate, to select a site for the location of said agricultural college, experiment station and school of science, who shall locate said college and school of science upon land selected with special reference to its adaptability for the purposes intended and not for its pecuniary value: *And provided*, That none of the commissioners so appointed shall be from any county east of the Cascade mountains: *Provided further*, That said commission shall not consider, receive or accept any bonus other than a tract of land not exceed-

Commission to locate.

\* The provisions of this section noted above as enclosed in brackets were vetoed by the governor.

Limit of time  
for location.

ing three hundred and twenty (320) acres, and said commission shall locate said college and school of science on or before July 1, 1891, in some county east of the Cascade mountains. The commission to locate the state agricultural college and school of science shall not locate said college in any county already having a state institution.

Organization of  
regents.

SEC. 6. The board of regents of the agricultural college, experiment station and school of science shall meet and organize, by the election of its president and treasurer from their own number, on the fourth Wednesday in April, A. D. 1891. The person so elected as treasurer shall, before entering upon the discharge of his duties as such, execute a good and sufficient bond to the State of Washington, with two or more sufficient sureties, residents of the state, in the penal sum of not less than forty thousand dollars (\$40,000), conditioned for the faithful performance of his duties as such treasurer, and that he will faithfully account for and pay over to the person or persons entitled thereto, all moneys which shall come into his hands as such officer, which bond shall be approved by the governor of the state, and shall be filed with the secretary of state. The president of the college shall be secretary of the board of regents, and shall perform all the duties pertaining to that office, but shall not have the right to vote. The secretary shall in like manner as the treasurer give a bond in the penal sum of not less than five thousand dollars (\$5,000), conditioned for the faithful performance of his duties as such officer.

Bond of treasurer.

Bond of secretary.

SEC. 7. The president of said board shall be the chief executive officer, shall preside at all meetings thereof (except that in his absence the board may appoint a president *pro tempore*), and sign all instruments required to be executed by said board. The treasurer shall be financial officer of said board, shall keep a true account of all moneys received and expended by him. The secretary shall be the recording officer of said board, shall attest all instruments required to be signed by the president, and shall keep a true record of all the proceedings of said board, and generally do all other things required of him by said board.

SEC. 8. The regents shall have the power and it shall be their duty to enact laws for the government of the said

agricultural college, experiment station and school of science: *Provided*, The board of regents shall make provision as soon as practicable upon the receipt of the government appropriations for the establishment of experiment stations for at least one experimental station in the western portion of the state.

SEC. 9. The board of regents shall direct the disposition of any moneys belonging to or appropriated to the agricultural college, experiment station and school of science, established by this act, and shall make all rules and regulations necessary for the management of the same, adopt plans and specifications for necessary buildings, and superintend the construction of said buildings; and fix the salaries of professors, teachers and other employés, and tuition fees to be charged in said college.

SEC. 10. The agricultural experiment station provided for in this act in connection with said agricultural college, shall be likewise located in connection with said agricultural college, and upon the land referred to in section one (1) of this act. And it shall be under the direction of the said board of regents of said college for the purpose of conducting experiments in agriculture according to the terms of section one (1) of an act of congress, approved March 2, 1887, and entitled "An act to establish agricultural experiment stations in connection with the colleges established in the several states, under the provisions of an act approved July 2, 1862, and of acts supplementary thereto." The said college and experiment station shall be entitled to receive all the benefits and donations made and given to similar institutions of learning in other states and territories of the United States, by the legislation of the congress of the United States now in force or that may be enacted; and particularly to the benefits and donations given by the provisions of an act of congress entitled "An act donating public lands to the several states and territories which may provide colleges for the benefit of agriculture and mechanic arts," approved July 2, 1862, and all acts supplementary thereto, including the acts entitled "An act to establish agricultural experiment stations in connection with colleges established in the several cities under the provisions of an

act approved July 2, 1862, and of the acts supplementary thereto," which said last entitled act was approved March 2, 1887; also, "An act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts, established under the provisions of an act of congress approved July 2, 1862," which said last mentioned act was approved August 30, 1890. The governor of the State of Washington is hereby authorized to make application to the secretary of the treasury to obtain the appropriations made by congress in the above entitled act.

SEC. 11. The assent of the legislature of the State of Washington is hereby given, in pursuance of the requirements of section nine (9) of said act of congress, approved March 2, 1887, to the granting of money therein made to the establishment of experiment stations in accordance with section one (1) of said last mentioned act, and assent is hereby given to carry out, within the State of Washington, every provision of said act.

SEC. 12. The meetings of the board of regents may be called in such manner as the board may prescribe, and the majority of said board shall constitute a quorum for the transaction of business; but a less number may adjourn from time to time. All meetings of said board may be held in the office of the college building after said building is erected and prepared for occupancy. No vacancy in said board shall impair the rights of the remaining board.

SEC. 13. This act shall not be construed as impairing section eight (8) of the act to establish a commission of technical instruction of the session laws of 1889.

Oath of regents.

SEC. 14. Each and every member of the board of regents created by this act shall, before entering upon their respective duties, take and subscribe an oath to faithfully and honestly discharge their duties in the premises, and strictly and impartially perform the same to the best of their several abilities. Said oath shall be filed with the secretary of state.

SEC. 15. The members of the board of the institution established by this act shall be allowed their actual and

necessary traveling expenses in going to and returning <sup>Expenses.</sup> from all necessary sessions of their board; and also their necessary expenses while in actual attendance upon the <sup>Compensation.</sup> same, and three dollars (\$3.00) per diem.

SEC. 16. The board of regents shall, on or before the <sup>Report.</sup> first day of November, make a full and true report in detail of all their acts and doings during the previous year, their receipts and expenditures, the exact status of their institution, and any other information they may deem proper and useful or which may be called for by the governor, which said report shall be made to the governor who shall transmit the same to the succeeding session of the legislature.

SEC. 17. It shall be the duty of the board of regents herein provided for, as soon after their organization as practicable, and as soon as there shall be an appropriation therefor in the hands of the state treasurer, in any amount sufficient to warrant the beginning of the erection of the <sup>Erection of buildings.</sup> several buildings herein provided for, or any wing or section of the same, to enter into contracts with one or more contractors for the erection and construction of such suitable buildings and improvements for their institution, as created by this act, as in their judgment shall be deemed best or the funds aforesaid shall warrant, all things considered, such contract or contracts to be let, after open public notice and competition under such regulations as shall be established by said board, to the person or persons who offer to execute such work on the terms most advantageous: *Provided*, That in all cases said board shall require from contractors a good and sufficient bond for the faithful performance of the work and the full protection of the state against mechanics' and other liens: *And provided further*, That the board shall not have the power to enter into any contract for the erection of any buildings or improvements, or for the current expenses of such institution, which shall bind said board to pay out any sum of money in excess of the amount provided for such purpose. It shall also be the duty of said board to secure a building or buildings, either by rental or otherwise, in which to organize a school at the earliest practicable time and to organize said college.

SEC. 18. The board provided for in this act shall have power in their discretion to employ skilled architects and superintendents to prepare plans and specifications and to supervise the construction of any of the buildings provided for in this act, and to fix the compensation for such services, subject to the provisions and restrictions of this act.

Funds; how  
disbursed.

SEC. 19. The treasurer of said board shall make disbursements of the funds in his hands on the order of the board, which order shall be countersigned by the secretary of the board, and shall state on what account the disbursement is made.

SEC. 20. Whenever there shall be any money in the hands of the state treasurer to the credit of any of the specific funds set apart for the institution created by this act, deemed sufficient by the board to commence the erection of any of the necessary buildings or improvements, or pay the necessary running or other expenses of said institution, the state auditor, on the request in writing of said board, shall, and it is hereby made his duty to, draw his warrant in favor of the treasurer of said board, and upon the state treasury, against the specific fund belonging to said institution, in such sum, not exceeding the amount on hand in such specific fund at such time, as said board may deem necessary: *Provided*, That said board shall draw said money as it may be necessary to disburse the same.

SEC. 21. No employé or member of the board created by this act shall be interested pecuniarily, either directly or indirectly, in any contract [for] any building or improvement of said institution, or for the furnishing of supplies for the same.

The governor  
ex-officio mem-  
ber of board.

SEC. 22. The governor of the state shall be *ex-officio* advisory member of the board provided for in this act, but shall not have the right to vote nor be eligible to office therein.

SEC. 23. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SEC. 24. Whereas, an emergency exists, and it is of great importance to the State of Washington that the said board of regents be forthwith appointed, in order that appropriations heretofore made by the congress of the United

States be received, and the same be disbursed; this act shall take effect and be in force from and after its approval by the governor.

Approved, with the exception of an item in section 3, March 9, 1891.

---

## CHAPTER CXLVI.

[S. B. No. 74.]

### APPEALS TO THE SUPREME COURT.

AN ACT providing for appeals to the supreme court.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. Except as otherwise provided in this section, any party aggrieved may appeal to the supreme court from the superior courts, in all actions and proceedings. No appeal shall be allowed in any civil action at law for the recovery of money or property when the original amount in controversy or the value of the property does not exceed Limit of value. the sum of two hundred dollars, unless the action involves the legality of tax, impost, assessment, toll, municipal fine, or the validity of a statute; nor shall an appeal be allowed to the state in any criminal action, except when the error complained of is in setting aside the indictment or information, or in arresting the judgment, on the ground that the facts stated in the indictment or information do not constitute a crime.

SEC. 2. In civil actions and proceedings, appeals shall be prosecuted within six months after the rendition of the de- Limit of time.cision, order or judgment complained of; appeals in criminal cases may be prosecuted at any time within one year after final judgment, and the notice of appeal in such cases may be given within the same time.

SEC. 3. The party appealing shall be designated as the appellant, and the adverse party as the respondent, but the title of the action shall in other respects remain unchanged.